

O

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**MELVIN F. AUSTON,
TDCJ-CID #439362,**

V.

LINDA EILAND, ET AL.,

§
§
§
§
§

C.A. NO. C-05-62

ORDER GRANTING MOTION TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

Plaintiff-appellant has properly applied to proceed *in forma pauperis* on appeal (D.E. 25).

The motion is granted and the following order is entered:

1. The Clerk shall file the Appellant's notice of appeal without prepayment of the appellate filing fee.
3. The plaintiff-appellant shall pay **\$255.00**, appellate filing fee, in monthly installments to the United States District Court as provided in 28 U.S.C. § 1915(b)(1).
4. The Texas Department of Criminal Justice -- CID shall deduct 20% of each deposit made to the plaintiff's inmate trust account and forward payments to the United States District Court on a regular basis provided the account exceeds \$10.00.
5. The plaintiff-appellant shall sign all consents and other documents required by the agency having custody of plaintiff-appellant to authorize the necessary withdrawal from the plaintiff-appellant's inmate trust account.

6. The Clerk of the Court shall send a copy of this Order to the **Inmate Trust Fund**,
P.O. Box 629, Huntsville, Texas 77342-0629 and to **TDCJ - Office of the General Counsel**,
P.O. Box 13084, Capitol Station, Austin, Texas 78711.

ORDERED this 17th day of May, 2005.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE